**A** **BILL**

TO AMEND SECTION 57‑5‑820, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF TRANSPORTATION OBTAINING CONSENT FROM A MUNICIPALITY BEFORE PERFORMING WORK ON A STATE HIGHWAY WITHIN A MUNICIPALITY, SO AS TO DELETE A REFERENCE TO SECTION 57‑5‑830, TO PROVIDE THAT SUCH WORK MUST BE APPROVED BY THE MUNICIPALITY PRIOR TO THE PROJECT’S INCLUSION IN THE STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM AND SUBJECT TO THE MUTUALLY AGREED UPON DESIGN FEATURES AND TYPICAL SECTION FOUND IN THE FINAL ENVIRONMENTAL DOCUMENT FOR THE PROJECT, AND TO PROVIDE THAT APPROVAL IS NOT REQUIRED FOR WORK PERFORMED ON A BRIDGE THAT QUALIFIES FOR FEDERAL EMERGENCY BRIDGE REPLACEMENT FUNDS; AND TO REPEAL SECTION 57‑5‑830 RELATING TO THE PROVISION THAT ALLOWS A MUNICIPALITY TO REVIEW AND APPROVE CERTAIN DEPARTMENT OF TRANSPORTATION PROJECTS UNDERTAKEN WITHIN A MUNICIPALITY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 57‑5‑820 of the 1976 Code is amended to read:

“Section 57‑5‑820. (A) As used in this section ~~and Section 57‑5‑830~~:

(1) ‘Structurally deficient’ means not adequate to handle the vehicle weights authorized on roads leading to them~~.~~; and

(2) ‘Functionally obsolete’ means narrow clearances or sharp roadway approach angles that make passage difficult or hazardous, or with too few lanes for existing traffic needs.

(B) All work to be performed by the ~~Department~~ department on state highways within a municipality must be with the consent and approval of the proper municipal authorities, approved by the municipality prior to project’s inclusion in the Statewide Transportation Improvement Program, and subject to the mutually agreed upon design features and typical section found in the final environmental document for the project, except that work performed or to be performed on a bridge and its approaches, certified by the ~~Department~~ department as functionally obsolete or structurally deficient, to remove, replace, or improve such bridge and its approaches shall not require prior consent and approval of a municipal authority if the bridge crosses the intracoastal waterway, or the bridge qualifies for federal emergency bridge replacement funds.”

SECTION 2. Section 57‑5‑830 of the 1976 Code is repealed.

SECTION 3. This act takes effect upon approval by the Governor.

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